**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**
**WRIT PETITION NO. 5538 OF 2004**

Shri Vilas Dattatraya Khatu
and Ors. ....Plffs.
vs.
Shri Arvind Ramchandra Luman
and Ors. ....Defnds.

N.R. Bubna for the petitioner.

K.K. Malpathak for Respondent no.1 and 2.

Ms. V.S. Mhaisapurkar, AGP.

**CORAM: S.U. KAMDAR, J.**

**DATE : 23RD DECEMBER, 2005.**

**P.C. :**

1. The present petition is challenging the order dated 12.3.2004 passed by the Revisional authority. By the impugned order it has been held that the mother of the petitioner Smt. Pushpalata Khatu has by an affidavit given a 'no objection' that the property be transferred in revenue records in the name of Arvind and Vasant Laxman. She has also confirmed the will of the mother under which

she has received Rs.1000/- towards her share. Learned counsel for the petitioner states that all these documents executed by deceased Pushpalata are fabricated and bogus and therefore cannot be relied upon. However if it is so the revenue proceedings are not the proper form to challenge the said documents and the civil court is the only remedy which should be persued by the petitioner. In so far as revenue proceedings and particularly the order impugned herein is concerned it can be termed as illegal when on the basis of relevant documents necessary entry has been made by the authorities. In that light of the matter I do not find any substance in the present petition and dismiss the same. However it is made clear that if a civil suit is filed challenging the said documents and/or affidavits and ‘no objection’ statement by the petitioner then the same will be decided on its own merits without in any manner being influenced by the order impugned herein or present order passed in this writ petition. No order as to costs.

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